

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: GUY S. SMITH
AKA: GUY SMITH

CHAPTER 13

Debtor(s)

CASE NO: 5-18-04806-MJC

JACK N. ZAHAROPOULOS
CHAPTER 13 TRUSTEE
Movant

vs.

GUY S. SMITH
AKA: GUY SMITH

Respondent(s)

TRUSTEE'S MOTION TO DISMISS CASE

AND NOW, comes Jack N. Zaharopoulos, Esquire, Standing Chapter 13 Trustee, through his attorney Agatha R. McHale, Esquire and brings this Motion to Dismiss Case, a statement of which follows:

1. Debtor(s) filed the above case on November 14, 2018.
2. The plan obligates Debtor(s) to make monthly payments to the Trustee.
3. The Trustee filed Motions to Dismiss Case for Material Default due to non-payment of these monthly payments on the following dates - 06/12/2019, 02/06/2020, 05/05/2021.
4. Debtor(s) cured each of these defaults prior to the scheduled hearing and therefore avoided entering into a stipulation to maintain timely payments.
5. Debtor(s) is currently 2 months in default with arrearages of \$1,797.86 through August 4, 2021.
6. The non-payment of Debtor's plan obligation is
 - a. a material default with respect to the confirmed plan; and
 - b. an unreasonable delay by Debtor that is prejudicial to creditors.
7. Dismissal of the case is in the best interest of the creditors and the estate.
8. Notice of hearing and other instructions are included with this Motion.

WHEREFORE, the Standing Chapter 13 Trustee requests this Court to dismiss the above case.

Dated: August 4, 2021

Respectfully submitted,

/s/ Agatha R. McHale, Esquire
ID: 47613

Attorney for Movant
Jack N. Zaharopoulos
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
Fax: (717) 566-8313
eMail: amchale@pamd13trustee.com

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NOTICE

NOTICE IS HEREBY GIVEN THAT Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to make timely payments pursuant to your Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a HEARING with the Court has been scheduled on this motion. Any matters not resolved shall be heard at the dismissal hearing.

September 1, 2021 at 09:30 AM
U.S. Bankruptcy Court
Max Roseann U.S. Courthouse
197 S. Main Street
Wilkes Barre, PA

YOU ARE FURTHER NOTICED that you MUST attend the dismissal hearing unless one of the following takes place.

1. You have entered into a valid stipulation with Trustee Zaharopoulos and that stipulation has been filed with the U.S. Bankruptcy Court.
2. You have filed a voluntary conversion to Chapter 7 or a voluntary case dismissal with the U.S. Bankruptcy Court and have served a copy of that motion upon Trustee Zaharopoulos.

FAILURE TO COMPLY WITH THE ABOVE WILL RESULT IN YOUR CHAPTER 13 CASE BEING CALLED FOR DISMISSAL HEARING WITH THE COURT ON THE DATE AND TIME AS SPECIFIED IN THIS NOTICE. THIS MAY RESULT IN DISMISSAL OF YOUR CASE.

Dated: August 4, 2021

Jack N. Zaharopoulos, Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
Fax: (717) 566-8313
eMail: info@pamd13trustee.com

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CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on August 4, 2021, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties by 1st Class mail, unless served electronically.

PHILIP W. STOCK, ESQUIRE
706 MONROE ST.
STROUDSBURG, PA 18360-
Served electronically

United States Trustee
228 Walnut Street
Suite 1190
Harrisburg, PA 17101 Served electronically

I certify under penalty of perjury that the foregoing is true and correct.

Date: August 4, 2021

Bobbie Weigel
for Jack N. Zaharopoulos, Trustee
Suite A, 8125 Adams Dr.
Hummelstown, PA 17036
Phone: (717) 566-6097
eMail: info@pAMD13trustee.com

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ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed.